

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated July 25, 2006.

Claims 1-7, 9-22, 24-36 and 38-44 are pending in the instant application. At the outset, Applicant gratefully acknowledges the indication of allowable subject matter in claims 5, 11-12, 20, 26-27, 35 and 40-41. In the most recent Office Action, claims 1, 3-4, 6-10, 13-14, 16, 18-19, 21-25, 28-29, 31, 33-34, 36-39 and 42-43 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,875,388 to Daughtry, Jr., et al. (“Daughtry”). Claims 2, 17 and 32 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Daughtry in view of “Adaptive Temperature Compensation of GPS Disciplined Quartz and Rubidium Oscillators,” by Bruce M. Penrod (“Penrod”). Claims 15, 30 and 44 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Daughtry taken alone.

By the above amendment, independent claims 1, 16 and 31 are amended to include the features previously recited in dependent claims 8, 23 and 37, respectively. Dependent claims 8, 23 and 37 are canceled, and claims 9, 24 and 38 are amended to depend from independent claims 1, 16 and 31, respectively.

As amended, the independent claims recite that past control information is recorded when the temperature of the oscillator is stationary. The Office Action avers that this feature is taught by Daughtry, citing col. 16, lines 57-61. Therein Daughtry discloses that a controller tests whether an oscillator temperature is within a range of between 15-35°C, and if so, an updating process may be performed. On the other hand, if the temperature is outside the given range, a correction value is not updated. In contrast to the features recited in the claims, Daughtry does not test for a stationary temperature, only that the temperature is within a nominal operating range. According to Daughtry, even if fluctuating within that range, the correction value would be updated. The claims as amended recite that past control information is recorded when a temperature of the oscillator is stationary.

These amendments to the independent claims will be seen as a broader recitation of the subject matter already indicated to be allowable, for example in claims 11-12, 26-27, and 40-41. In those claims indicated to be allowable, the past control information is recorded when an operation of a circuit which elevates the temperature of the oscillator has either been continuously

stopped, or continuously operated for a predetermined period of time. Therefore, according to claims 11-12, 26-27 and 40-41, the stability of the temperature is predicted by the operation of non-operation of a circuit which elevates the temperature of the oscillator.

Dependent claims 2-7, 9-22, 24-36 and 38-44 are each separately patentable, however they are further submitted as patentable for at least the same reasons as the underlying base claims from which they depend. It has been held by the courts that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GMBH v. American Hoist Derek Company, et al.* 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). Because the Daughtry reference does not teach all features of the recited claims as illustrated above, Applicant respectfully submits that the claims are patentably distinguished over Daughtry, taken singly or in any combination with the prior art of record. Therefore, Applicant respectfully submits that the rejections have been obviated and kindly requests an early and favorable indication of allow ability of all claims.


In the interest of brevity, applicant has addresses only so much of the rejections as is considered sufficient to demonstrate the patent ability of the claims. Applicant's failure to address any part of the rejection should not be construed as an acquiescence in the propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,

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